

AMENDMENT TO THE COMMITTEE PRINT FOR

H.R. 908

OFFERED BY M. *Shinkov*

After section 2, insert the following new section (and redesignate accordingly):

1 SEC. 3. BACKGROUND CHECKS.

2 Section 550 of the Department of Homeland Security
3 Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C.
4 121 note) is amended by adding at the end the following
5 new subsection:

6 “(i)(1) No security background check is required
7 under this section for an individual holding a valid trans-
8 portation security card issued under section 70105 of title
9 46, United States Code.

10 “(2) The Secretary shall determine, on an ongoing
11 basis, whether alternate security background checks con-
12 ducted by the Secretary are sufficient to meet the require-
13 ments of the risk-based performance standards issued
14 under this section such that no additional security back-
15 ground check is required under this section for an indi-
16 vidual who has passed such a qualifying alternate security
17 background check.

1 “(3) The owner or operator of a chemical facility sub-
2 ject to the regulations issued under this section may per-
3 mit an individual holding a valid transportation security
4 card issued under section 70105 of title 46, United States
5 Code, or an individual who has passed a qualifying alter-
6 nate security background check under paragraph (2), to
7 have access to restricted areas or critical assets of such
8 facility without the satisfaction of any other additional re-
9 quirements imposed by the Secretary.

10 “(4)(A) Nothing in this subsection shall be construed
11 to abridge any right or responsibility of—

12 “(i) an individual subject to a security
13 background check under this section; or

14 “(ii) an owner or operator of a chemical
15 facility subject to the regulations issued under
16 this section.

17 “(B) Nothing in this subsection shall be con-
18 strued to prohibit an owner or operator of a chem-
19 ical facility from requiring, for reasons other than
20 compliance with this section, that prospective or cur-
21 rent employees or contractors undergo any addi-
22 tional background check in addition to that required
23 under the risk-based performance standards issued
24 under this section.”.

